

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD MEYER,
Plaintiff,

v.

MARK WAID,
Defendant.

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CASE NO.: 1:18-CV-00800-LY

(Jury Demanded)

UNOPPOSED MOTION TO CONDUCT JURISDICTIONAL DISCOVERY

Plaintiff Richard Meyer (“Meyer”) files this Unopposed Motion for Leave to Conduct Jurisdictional Discovery.

1. Meyer contends that jurisdictional discovery is necessary to defend against the Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 10) filed by Mark Waid. Meyer believes that jurisdictional discovery is necessary to inquire into Waid’s contacts with the state of Texas generally and his contacts with Texas in relation to the allegations in this suit.

2. Meyer requests that he be allowed to conduct the following discovery:

- a. submit no more than 7 document requests to Waid seeking information about his contacts with Texas relating to Waid and Antarctic Press, including text messages, phone records, social media posts, emails, public statements and other Texas-related communications;
- b. submit no more than 3 interrogatories requesting Waid to identify his contacts with the state of Texas over the last two years as well as to identify persons in Texas, with whom Waid communicated, if any, regarding Meyer and the substance of those communications;
- c. subpoena documents from non-party Antarctic Press (Meyer’s intended publisher for his comic books) relating to Meyer, Waid, and Meyer’s comic book;
- d. depose the two owners of Antarctic Press for no more than three hours each to determine nature and extent of their communications with Waid and the reasons for canceling its contract, if any, with Meyer; and

- e. depose Mark Waid, in California (or in Texas with the express agreement of Waid), for no more than three hours about his activities regarding Antarctic Press and his contacts with Texas.

Meyer expects that all of this discovery can be completed within ninety days of authorization from this Court.

3. In addition to the foregoing, should Meyer decide to submit his own affidavit or declaration relating to Waid's contacts with the state of Texas, Meyer will give Waid ten days' notice of that election and thereafter appear for a deposition at the office of his counsel for up to three hours relating to the substance or contemplated substance of such affidavit or declaration.

4. The parties agree that Defendant Waid shall have the right to submit evidence obtained through any jurisdictional discovery as well; Waid may file such evidence as part of a supplement to his pending motion to dismiss or as part of his reply brief.

5. Defendant preserves the right to lodge appropriate objections to Meyer's discovery. Meyer will not use Waid's lack of opposition to this motion or any related discovery to argue that Waid has in any way waived any part of his jurisdictional challenge.

6. Finally, Meyer requests the Court to extend the deadline for his response to Waid's motion to dismiss for lack of personal jurisdiction until fourteen days following the expiration of the ninety day period allotted for completion of jurisdictional discovery.

CERTIFICATE OF CONFERENCE AND PRAYER

7. Counsel for Meyer discussed the relief requested in this motion with Waid's counsel, who confirmed that this motion is unopposed.

WHEREFORE, Plaintiff Richard Meyer respectfully requests that the Court enter an order permitting the discovery described above and for all other relief to which Meyer is entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document was served on the counsel of record listed below using the Court's ECF system on November 28, 2018:

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